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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,419	08/08/2001	Jamie Rossjohn	3991/OJ678	9005
7278	7590	03/31/2004	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			MERTZ, PREMA MARIA	
			ART UNIT	PAPER NUMBER
			1646	

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20040212

DATE MAILED:

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Commissioner for Patents

See attached.

Prema M Mertz
Primary Examiner
Art Unit: 1646

Art Unit: 1646

1. The reply filed on 11/3/2004 is not fully responsive to the previous office action for the reason set forth on the attached Notice to Comply with the Sequence Rules.

Applicants argue that the specific amino acid residues provided in claims 5-7, 11 and 18 correspond to the residues of Domain 4 of the beta chain of GM-CSF/IL-3/IL-5 (D4 β c) cytokine receptors and that even though the residues of D4 β c are not fully disclosed in the specification with a deposit accession number, applicants respectfully submit that the claimed sequences are known and readily available to the public and have cited M.P.E.P. 2404.01 in this regard.

Applicants also argue that these sequences are disclosed and/or referred to in many scientific publications, i.e., Hayashida K. , et al. , Proc. Natl. Acad. Sci. USA, 87, 9655-9659 (1990); Lock P. et al. , Proc. Natl. Acad. Sci. USA, 91, 252-256 (1994), submitted herewith as Exhibit A and Exhibit B, respectively. However, contrary to applicants arguments, these publications are not incorporated by reference into the instant application. Furthermore, the claims recite specific amino acid positions without reciting if these positions are in human, murine or other mammalian species of receptors. Furthermore, claim 9 recites a broad genus of different receptors and it is unclear if the specific amino acids recited in the claims are also a component of these recited receptors. Additionally, claim 18 recites mutations in specific residues of these receptors. Therefore, applicants arguments with respect to reciting an amino acid sequence of specific SEQ ID NO:, are non-persuasive.

Since the above-mentioned reply appears to be bonafide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. Extensions of this time period may be granted under 37 CFR 1.136(a).

Art Unit: 1646

Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prema Mertz whose telephone number is (571) 272-0876. The examiner can normally be reached on Monday-Friday from 7:00AM to 3:30PM (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (571) 271-0871.

Official papers filed by fax should be directed to (703) 872-9306. Faxed draft or informal communications with the examiner should be directed to (571) 273-0876.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [yvonne.eyler@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Prema Mertz
Prema Mertz Ph.D.
Primary Examiner
Art Unit 1646
February 12, 2004

Application No.: 08/913,419

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: *Applicants are pointing to specific amino acids present in the claims without reference to sequence numbers*

Applicant Must Provide:

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

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